

**BEFORE THE INSURANCE COMMISSIONER  
FOR THE STATE OF ARKANSAS**

**IN THE MATTER OF THE ADMINISTRATIVE  
HEARING TO APPEAL THE DEPARTMENT'S  
DENIAL OF DEBRA LYNN MUCK' APPLICATION  
FOR RESIDENT INSURANCE PRODUCER LICENSE**

**AID NO. 2010- 0 5 0**

**ORDER**

A hearing was held on March 22, 2010, in the hearing room of the Arkansas Insurance Department ("Department") in accordance with the provisions of the Arkansas Administrative Procedures Act and pertinent provisions of the Arkansas Insurance Code. William R. Lacy served as the Hearing Officer pursuant to his designation as such by Jay Bradford, Insurance Commissioner, in accordance with Ark. Code Ann. § 23-61-103(e)(1). The Department was represented by Robert Alexander, Attorney Specialist. Mrs. Muck ("Appellant") represented herself and voluntarily waived her right to legal counsel.

**FINDINGS OF FACT**

1. The Commissioner has jurisdiction over the parties and the subject matter pursuant to Ark. Code Ann. § 23-61-103.
2. Appellant is a resident of Van Buren, Arkansas.
3. Appellant submitted her Application for an Arkansas Resident Producer License on or about January 13, 2010.
4. On February 19, 2010, Fred Stiffler, Jr., Director of the Department's License Division advised the Appellant that her application was denied based on the fact that she had failed to disclose criminal convictions on her application and the existence of an outstanding state tax lien and advised the Appellant of her right to an administrative hearing to appeal the determination.

5. On February 24, 2010, the Appellant submitted a letter to the Department requesting an administrative hearing regarding the denial to take the license examination.

6. The requested hearing was scheduled for March 22, 2010, and a Notice of Hearing was sent to the Appellant.

7. The Appellant's conduct that led to the criminal convictions and financial problems is old and Appellant has corrected the issues.

8. Had the Appellant been represented by an attorney, her previous problems would have been resolved without criminal convictions.

9. The Appellant was very creditable in her testimony.

#### **CONCLUSIONS OF LAW**

Based upon the above and foregoing Findings of Fact and the evidence before him, the Hearing Officer concludes as follows:

10. The Appellant is qualified to become a licensed insurance producer in this state.

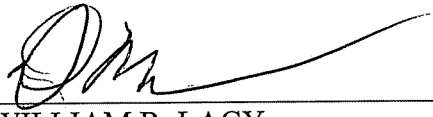
#### **RECOMMENDATIONS OF THE HEARING OFFICER**

WHEREFORE, based upon the foregoing Findings of Fact, Conclusions of Law, and other matters before him, the Hearing Officer recommends:

11. That the Department's denial of the Appellant's, Application for an Arkansas Resident Producer License be reversed.

12. That the Appellant be promptly issued a permit to sit for the Arkansas Resident Producer License exam.

13. That the Appellant be placed on a one year unsupervised probation and to submit an updated credit report on February 1, 2011 to show a commitment to financial responsibility.

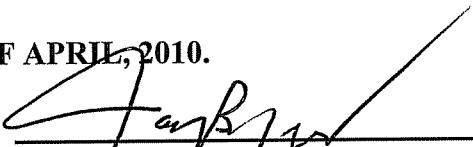
  
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WILLIAM R. LACY  
HEARING OFFICER

**CERTIFICATION**

I, Jay Bradford, Insurance Commissioner for the State of Arkansas, do hereby certify that the above Findings of Fact, Conclusions of Law, and Recommendations of the Hearing Officer were made by and under my authority and supervision by William R. Lacy, Hearing Officer in this proceeding. I hereby adopt the Hearing Officer's Findings of Fact, Conclusions of Law, and Recommendations in full and enter this Order.

THEREFORE, it is hereby ORDERED that the Appellant shall be issued a permit to sit for the Arkansas Resident Producer License examination.

IT IS SO ORDERED THIS 15<sup>th</sup> DAY OF APRIL, 2010.

  
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JAY BRADFORD  
INSURANCE COMMISSIONER  
STATE OF ARKANSAS